

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Scheiwe et al.

Examiner: Simmons, Chris E.

Application No.: 10/527,555

Group Art Unit: 1614

Filed: March 11, 2005

Docket: 753-47 PCT/US

For: STABLE CREAM  
PREPARATIONS OF PHENYL-  
PYRIDONE COMPOUNDS FOR  
TOPICAL APPLICATION

Dated: August 31, 2007

Confirmation No: 5860

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This is in response to the Requirement for Restriction mailed July 31, 2007, a reply to which is due August 31, 2007.

In the Office Action, the Examiner has required restriction under 35 U.S.C. §121 between one of the following Groups, which the Examiner has identified as distinct inventions:

Group I: Claims 1-18, drawn to a pharmaceutical cream preparation comprising an optionally substituted 1-phenyl-2-(1H)-pyridone compound, at least one surface-active stabilizer, and at least one emulsifier.

Group II: Claim 19, drawn to a process of production of the preparation.

Group III: Claim 21, drawn to a method of treatment for skin disease comprising applying the preparation.

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Applicants elect to prosecute Group I, claims 1-18, drawn to a pharmaceutical cream preparation comprising an optionally substituted 1-phenyl-2-(1H)-pyridone compound, at least one surface-active stabilizer, and at least one emulsifier.

In addition, the Examiner has set forth a requirement for a species election. The Examiner indicated that "Applicant must elect a specific formulation for prosecution on the merits." The Examiner presented a specific formula for possible election. In tracking the Examiner's suggestion, Applicants hereby elect the formula set forth in claim 18 with the following conditions: (i) the active ingredient is 5-methyl-1-phenyl-2-(1H)-pyridone; (ii) the medium-chain triglyceride is caprylic/capric acid triglyceride; and (iii) the solvent is maize germ oil.

The claims readable on the elected species are as follows: 1-18.

Applicants respectfully request that consideration of the Group I claims on the merits be commenced. Should the Examiner have any questions, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number set forth below.

Respectfully submitted,



Jamie M. Lammann  
Registration No. 48,623  
Attorney for Applicants

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, NY 11791  
(973) 331-1700